

To: Anthony J. Malutta(MetaProsecution@kilpatricktownsend.com)
Subject: U.S. Trademark Application Serial No. 97320136 - - 1306057
Sent: July 20, 2023 11:21:43 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

United States Patent and Trademark Office (USPTO) Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97320136

Mark:

Correspondence Address:

Anthony J. Malutta
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UNITED STATES

Applicant: Meta Platforms, Inc.

Reference/Docket No. 1306057

Correspondence Email Address: MetaProsecution@kilpatricktownsend.com

FINAL OFFICE ACTION

Response deadline. File a request for reconsideration of this final Office action and/or a timely appeal to the Trademark Trial and Appeal Board (TTAB) within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links below to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response and/or an appeal. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant's response and/or appeal within six months of the “Issue date” to avoid abandonment of the application.

Issue date: July 20, 2023

INTRODUCTION

This Office action is in response to applicant's communication filed on April 16, 2023.

In a previous Office action(s) dated October 19, 2022, applicant was required to satisfy the following requirement(s): amend the identification of goods and/or services.

Further, the trademark examining attorney maintains and now makes FINAL the refusal(s) and/or requirement(s) in the summary of issues below. *See* 37 C.F.R. §2.63(b); TMEP §714.04.

SUMMARY OF ISSUES MADE FINAL that applicant must address:

- Amendment of the Identification of Goods

The following requirements are now made FINAL: *See* 37 C.F.R. §2.63(b).

FINAL REQUIREMENT: AMENDMENT OF THE IDENTIFICATION OF GOODS

In response to the April 16, 2023, office action applicant corrected a number of the required Identification amendments. However, a few entries remain indefinite and require more specification.

Applicant is advised to delete or modify the duplicate entry in the identification of goods and/or services in International Class 009 which are stricken in the suggestion below. *See generally* TMEP §§1402.01, 1402.01(a). If applicant does not respond to this issue, be advised that the USPTO will remove duplicate entries from the identification prior to registration.

If modifying one of the duplicate entries, applicant may amend it to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Also, generally, any deleted goods and/or services may not later be reinserted. TMEP §1402.07(e).

Applicant may adopt the following, if accurate:

International Class 009:

Downloadable software in the nature of a mobile application for social networking purposes; Computer hardware; Downloadable software for social networking and creating and interacting with online communities; Downloadable software for creating, managing and accessing groups within virtual communities; Downloadable computer software development tools; Downloadable software to enable development, assessment, testing, and maintenance of mobile software applications for portable electronic communication devices, namely, mobile phones, smartphones, handheld computers and computer tablets; Downloadable software for use as an application programming interface (API); Downloadable software for organizing events, searching for events, calendaring and managing events; Downloadable software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, interacting with, embedding, and sharing or otherwise providing electronic media, images, video, audio, audio-visual content, data, and information via the internet and communication networks; Downloadable computer software for finding content and content publishers, and for subscribing to content; Downloadable software for creating and managing social media profiles and user accounts; Interactive photo and video equipment, namely, kiosks for capturing, uploading, editing, printing and sharing digital images and video; Downloadable software for streaming multimedia entertainment content, audio-visual content, video content, and associated text and data; Downloadable software for enabling transmission of images, audio, audio visual and video content and data; Downloadable software for modifying photographs, images and audio, video, and audio-visual content; Downloadable software for use in taking and editing photographs and recording and editing videos; Downloadable software for processing images, graphics, audio, video, and text; Downloadable software for collecting,

managing, organizing, synchronizing, and the storage of data and information; Downloadable e-commerce software to allow users to perform electronic business transactions a global computer and communication networks; Downloadable software and mobile application software for providing a virtual marketplace; Downloadable software for sending and receiving electronic messages, alerts, notifications and reminders; Downloadable software for file sharing; Downloadable messaging software; Downloadable computer search engine software; Downloadable software for use in creating, managing, measuring, and disseminating advertising of others; Advertisement server, namely, a computer server for storing advertisements and delivering advertisements to websites; Downloadable software for creating, sharing, disseminating and posting advertising; Downloadable software for geo-location based advertising and product and service promotion; Downloadable software that enables individuals, groups, companies, and brands to create and maintain an online presence and interact with online communities for marketing purposes; Downloadable virtual reality software for interactive entertainment and virtual reality gaming; Downloadable augmented reality software for interactive entertainment and augmented reality gaming; Downloadable mixed reality software for interactive entertainment and augmented reality gaming; Downloadable virtual reality software for displaying interactive entertainment and virtual reality gaming; Downloadable augmented reality software for displaying interactive entertainment and augmented reality gaming; Downloadable software for integrating electronic data with real world environments for the purposes of entertainment, education, gaming, communicating, and social networking; Downloadable software for use in enabling computers, video game consoles, handheld video game consoles, tablet computers, mobile devices, and mobile telephones to provide virtual reality and augmented reality experiences; Downloadable software for operating, configuring, and managing virtual reality headsets and controllers; Downloadable software for gesture recognition, object tracking, motion control, and content visualization; Downloadable computer software, firmware and hardware for use in visual, voice, audio, motion, eye and gesture tracking and recognition; Downloadable software for navigating a virtual reality and augmented reality environments; Downloadable software for enabling users to experience virtual reality and augmented reality visualization, manipulation, and immersion; Downloadable software for recording, storing, transmitting, receiving, displaying and analyzing data from wearable computer hardware; Downloadable software for use in creating and designing virtual reality and augmented reality software; Downloadable computer application programming interface (API) for computer software for developing virtual reality and augmented reality experiences; Virtual reality game computer hardware, **namely, headsets for virtual reality games**; Augmented reality game computer hardware, **namely, headsets for augmented reality games**; Mixed reality game computer hardware, **namely, headsets adapted for use in playing video games**; Virtual reality computer hardware, **namely, headsets for virtual reality experiences**; Augmented reality computer hardware, **namely, headsets for augmented reality experiences**; Motion tracking sensors for virtual reality and augmented reality technology; Virtual reality hardware, namely, headsets and glasses for engaging in virtual reality experiences and playing virtual reality games; Augmented reality hardware, namely, headsets and glasses for engaging in augmented reality experiences and playing augmented reality games; Wearable computing devices comprised primarily of downloadable software and video display screens for connection to computers, tablet computers, mobile devices, and mobile phones in order to enable virtual reality and augmented reality world experiences; Computer hardware and downloadable software for operating sensor devices; Electronic sensor devices, cameras, projectors, and microphones for gesture, facial, and voice detection, capture and recognition; Computer hardware and downloadable software for detecting objects, user gestures and commands; Downloadable electronic game software in the nature of video games, computer games, interactive multimedia games, and virtual, augmented, and mixed reality games; Downloadable computer software for controlling the operation of audio and video devices; Downloadable video display software; Downloadable software for accessing and viewing text, images and electronic data relating to conferences in the field of software development; Downloadable

software for converting natural language into machine-executable commands; Downloadable software for facilitating interaction and communication between humans and AI (artificial intelligence) platforms; Downloadable computer Application programming interface (API) for use in developing AI (artificial intelligence) platforms, namely, bots, virtual agents and virtual assistants; Downloadable software, namely, an interpretive software interface for facilitating interaction between humans and machines; Downloadable artificial intelligence software, namely, machine learning software, visual perception software speech or language recognition software, decision-making software, translation software, touch recognition software, conversational query software, software for converting natural language into machine-executable commands, and digital assistant software; Downloadable virtual assistant software that can perform tasks or services on behalf of a user that is activated by user input, location awareness, and online information; Downloadable software for providing consumer information; Downloadable software for providing electronic maps; Location-aware downloadable software for searching, determining, and sharing locations; Downloadable software for searching and identifying employment opportunities; Downloadable software for identifying and allowing users to contact government representatives; Downloadable software providing location-based weather information; Downloadable software providing, linking to, or streaming news or current events information; Downloadable parental control software; Downloadable computer operating system software; Downloadable software for enabling electronic devices to share data and communicate with each other; Wearable peripherals for computers, tablet computers, mobile devices and mobile telephones in the nature of smart glasses, smartwatches and video display monitors; Digital media streaming devices; Headsets and headphones; Video display computer hardware, namely, video drivers for video eyewear; Cameras; Batteries; Battery cases; Battery packs; Rechargeable electric battery devices, namely, rechargeable batteries and portable power supplies; Battery chargers; Rechargeable external battery packs for use with mobile electronic devices; Power charging and power management devices for mobile electronic devices, namely, power supplies and electrical power distribution units; Charging stands for mobile electronic devices, namely mobile phones, smart phones, electronic tablet computers, portable computers, and virtual reality headsets and controllers; External chargers for use with computers, tablet computers, mobile phones, and mobile devices, namely virtual reality headsets and controllers; Wireless charging cases for use with computers, tablet computers, mobile telephones, and mobile devices, namely virtual reality headsets and controllers; Power adapters; Electrical adapters, cable, and connectors; Bags and cases specially adapted for mobile phones, smart phones, electronic tablet computers, and portable computers; Protective covers and cases for mobile phones, smart phones and electronic tablet computers; Holders, armbands, clips and carrying cases specially adapted for mobile phones, smart phones and electronic tablet computers; Wall mounts for mounting mobile phones, smartphones and electronic tablet computers; Stands for mobile phones, smart phones and electronic tablet computers; Holders for mobile phones, smart phones and electronic tablet computers; Audio speakers; Electrical audio and speaker cables and connectors; Electronic cables parts and fittings; Electronic cables; Cables for optical signal transmission; Power cables and cable connectors; Microphones; Audio receivers; Audio transmitters; Head-mounted video display; Receivers of electronic signals; Video receivers; Wireless transmitters and receivers for reproduction of sound and signals; Electric sensors for monitoring physical movements, not for medical purposes; Sensors for monitoring physical movements; Downloadable software for use in customer relationship management (CRM); Downloadable software for facilitating and arranging for the financing and distribution of fundraising and donations; Downloadable software for online charitable fundraising services and financial donation services; Downloadable software for use in facilitating voice over internet protocol (VOIP) calls, phone calls, video calls, text messages, instant message and online social networking services; Telecommunications equipment for providing third party access to, and enabling the transmission of video, data and voice over, global communications networks, namely, mobile and access computer and mobile telephone terminals, base transceiver stations and wireless radio parts

thereof, data transceivers, data repeaters, routers and switches, transmission circuits, integrated circuits, computer hardware, mobile cloud clients and servers, multiplexers, digital signal processors, radio frequency signal processors, mobile switching circuits, air traffic electrical controllers, mobility electrical controllers, access electrical controllers, remote port electrical controllers, radio ports, antennas, electronic radio components, downloadable software for facilitating telecommunications transmissions, and mobile core networks comprising data transceivers, wireless networks and gateways for collection, transmission and management of data, voice and video; Downloadable communication software and communication computer hardware for providing access to the Internet; Telecommunications equipment, namely apparatus for transmitting sound, images, or data; Radio receivers and transmitters; PS receivers; Downloadable software to allow users to perform e-commerce transactions via the internet and communications networks; Downloadable computer software that allows users to make payments and transfer funds; Downloadable computer software that enables online users to make payments and transfer funds across multiple websites and mobile applications; Downloadable computer software for processing electronic payments; ~~Downloadable computer search engine software~~; Downloadable software for facilitating machine learning; Downloadable software for building user interfaces; Downloadable electronic publications in the nature of articles in the field of virtual reality, augmented reality, mixed reality, social technology, and social media; Interactive photo and video equipment, namely, computer hardware for capturing, uploading, editing, printing and sharing digital images and video; Downloadable software for the synchronization of data between a remote station or device and a fixed or remote station or device; Downloadable voice command and recognition software; Downloadable speech to text conversion software; Downloadable voice-enabled software applications for personal information management; Downloadable home and automation and home device integration software; Downloadable wireless communication software for voice, audio, video, and data transmission; Downloadable software used for controlling stand-alone voice controlled information and personal assistant devices; Downloadable software for voice recognition for use in connection with the transmission of voice and data; Downloadable software for accessing, browsing, and searching online databases, audio, video, and multimedia content, games, and software applications, and software application marketplaces; Downloadable software for use to connect and control internet of things (iot) electronic devices; Downloadable computer application software for handheld wireless devices, namely, software for controlling, integrating, operating, connecting, and managing voice controlled information devices, namely, cloud-connected and voice-controlled smart consumer electronic devices and electronic personal assistant devices; Downloadable software for processing, reproducing, synchronizing, recording, organizing, downloading, uploading, transmitting, streaming, receiving, playing and viewing text, multimedia and data files; Downloadable software, for personalized, interactive television (TV) programming and for use in displaying and manipulating visual media, graphic images, text, photographs, illustrations, digital animation, video clips, film footage and audio data; Downloadable software in the nature of a mobile application for telecommunication services for providing transmission of voice, data, video, and media content via the internet and the worldwide web for computers or other portable consumer electronic devices; Downloadable software for searching television entertainment exploration guides; Downloadable software for searching, locating, compiling, indexing, correlating, navigating, obtaining, downloading, receiving, encoding, decoding, playing, storing and organizing text, data, images, graphics, audio and video on a global computer network; Downloadable software to enhance mobile access to the internet via computers, mobile computers, and mobile communications devices; Downloadable software for formatting and converting content, text, visual works, audio works, audiovisual works, literary works, data, files, documents and electronic works into a format compatible with portable electronic devices and computers; Electronic communication equipment and instruments, namely, smartwatches, smart glasses, personal digital assistance, and virtual reality headsets for sending and receiving of text, data, audio, image, and video files; Telecommunications apparatus and instruments, namely, speakers and

microphones sold as component features of computers, mobile and wearable digital electronic smart watches, personal digital assistance and virtual reality headsets for the sending and receiving of telephone calls, text messages, electronic mail, and other digital data, and for use in providing access to the internet; Electronic notepads; Electronic personal organizers; voice recording and voice recognition apparatus, namely, digital voice recorders and microphones for receiving voice data; Portable digital electronic devices in the nature of smartwatches, smart phones, personal digital assistants for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; Wearable digital electronic devices in the nature of smartwatches, wearable personal fitness trackers, and smart glasses comprised primarily of software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Downloadable software for accessing, browsing and searching online databases; Downloadable software for accessing, monitoring, searching, displaying, reading, recommending, sharing, organizing, and annotating news, sports, weather, commentary, and other information, content from periodicals, blogs, and websites, and other text, data, graphics, images, audio, video, and multimedia content; Downloadable software for creating, authoring, distributing, downloading, transmitting, receiving, playing, editing, extracting, encoding, decoding, displaying, storing and organizing text, data, graphics, images, audio, video, and multimedia content, electronic publications, and electronic games; Apparatus for recording, transmission or reproduction of sound or images; Apparatus for transmission of communication; Apparatus for data storage, namely, mobile and wearable digital electronic devices in the nature of mobile phones, smartwatches, smartglasses, and personal fitness trackers for the storage of text, data, audio, image, and video files; Downloadable computer software for managing and verifying cryptocurrency transactions on a blockchain; Downloadable computer software for managing and validating cryptocurrency transactions using blockchain-based smart contracts; Downloadable computer software for managing smart contracts using blockchain technology; Downloadable computer software for managing crypto asset transactions using blockchain technology; Downloadable computer software for accessing, reading, and tracking information in the field of financial transactions, on a blockchain; Downloadable computer software for managing cryptocurrency transactions using blockchain technology; Downloadable software for use as a digital currency, crypto currency and virtual currency wallet; Digital currency wallet and storage services software; Downloadable computer software for use as a cryptocurrency wallet; Cryptocurrency hardware wallet; Downloadable computer software for use as a digital wallet; Downloadable computer software for use as an electronic wallet; Downloadable computer programs and downloadable computer application software for electronic storage of data; Downloadable software for providing a digital wallet; Downloadable software for digital currency payment and exchange transactions; Downloadable software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for providing electronic wallet services; Downloadable e-wallets, namely, downloadable computer Software for use as an electronic wallet; Downloadable computer software for managing electronic payment transactions using distributed ledger technology (DLT); Downloadable software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, cryptotokens and utility tokens; Downloadable software for implementing and recording financial transactions; Downloadable software for use in financial trading; Downloadable software for use in financial exchange; Downloadable software for accessing financial information and market data and trends; Downloadable software for providing authentication of parties to a financial transaction; Downloadable software for maintaining ledgers for financial transactions; Downloadable software for the management

of cryptographic security of electronic transmissions across computer networks; Downloadable software for encrypting and enabling secure transmission of digital information over the Internet; Downloadable software for allowing users to calculate parameters related to financial transactions; Downloadable software for electronic funds transfer; Downloadable software for currency conversion; Downloadable software for the collection and distribution of data; Downloadable software for processing payment transactions; Downloadable software for connecting computers to local databases and global computer networks; Downloadable software for creating searchable databases of information and data; Downloadable software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; Downloadable software for creating and managing smart contracts; Downloadable software for managing payment and exchange transactions; Downloadable software and computer hardware for use as a digital currency wallet, virtual currency wallet, digital asset wallet, crypto token wallet, and utility wallet; Downloadable software for creating a decentralized and open source digital currency, virtual currency, cryptocurrency, digitized assets, digital token for use in blockchain-based transactions; Downloadable computer application software for blockchain-based platforms, namely, software for operating digital exchanges for virtual items; Downloadable software for creating, selling and managing blockchain-based tokens; Downloadable software for use in managing an electronic financial platform; Downloadable software for processing electronic payments and for transferring funds to and from others; Downloadable software for blockchain-based inventory management; Downloadable software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; Downloadable software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; Downloadable software for managing crypto currency and digital currency accounts; Downloadable software for use in managing payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for use in managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; Downloadable software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; Downloadable software and computer hardware for use in electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications; Computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining; Security token hardware; Electronic currency converters; Downloadable software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, personal digital assistant (PDA), and web-based environment; Downloadable software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value; Downloadable software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; Downloadable software for use as an application program interface (API) software for use in computer hardware device identification; Downloadable software for use in authenticating user access to computers and computer networks; Downloadable software for use in facilitating secure transactions; Downloadable software for use in accessing, reading, tracking, and using blockchain technology; Downloadable software and computer hardware for managing identity information, access rights to

information resources and applications and authentication functionality; Downloadable software for network identification verification, authentication and management services for security purposes; Downloadable authentication software for controlling access to and communications with computers and computer networks; Magnetically encoded credit cards and payment cards being debit cards, credit cards, and gift cards; Encryption devices, namely, electronic encryption units; Security tokens, namely, electronic security token in the nature of a fob-like device used by an authorized user of a computer system to facilitate authentication; Downloadable software for managing a security token; Downloadable software for issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, cryptotokens and utility tokens; Downloadable computer software for managing crypto tokens and utility tokens; Downloadable software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Ad server, namely, a computer server for storing advertisements and delivering advertisements to websites; Downloadable Application programming interface (API) software for developing and creating virtual reality, augmented reality and mixed reality experiences; Downloadable Application programming interface (API) software which facilitates online services for social networking and for data retrieval, upload, download, access and management; Application programming interface (API) software for use in building other software applications; Augmented reality glasses; Augmented reality headsets; Downloadable Augmented reality software for playing computer games; Downloadable augmented reality software for displaying interactive entertainment content; Downloadable augmented reality software for navigating an augmented reality environment; Downloadable augmented reality software for object tracking, motion control and content visualization; Downloadable augmented reality software for operating augmented reality headsets; Downloadable augmented reality software for enabling users to experience augmented reality visualization, manipulation, and immersion; Cables, namely, electronic cables and connection cables; Electronic device accessories, namely, cases, wrist bands and arm bands; Downloadable computer application software for smartphones and mobile devices for providing personal training services, coaching, workouts and fitness assessments in the fields of fitness and exercise; Downloadable computer application software for use in connection with configuring and controlling wearable computer hardware and wearable computer peripherals; Computer hardware for displaying data and video; Computer hardware for use in measuring heart rhythm; Computer hardware for use in taking electrocardiograms; ~~Downloadable computer operating system software~~; Computer peripheral equipment for use with smartwatches, namely, smartwatch bands and smartwatch straps; Computer peripherals for displaying data and video; Computer peripherals for mobile devices for displaying data and video, namely, computer peripherals worn on the head for mobile devices for displaying data and video; Computer peripherals for mobile devices for remotely accessing and transmitting data, namely, computer peripherals worn on the head for mobile devices for remotely accessing and transmitting data; Computer peripherals for mobile devices, namely, computer peripherals for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, weather information, and biometric data for scientific use, including physical activity level, heart rate, pulse rate, blood pressure, calories burned, and steps taken; Computer peripherals for remotely accessing and transmitting data; Downloadable computer software and computer application software for mobile phones and personal digital devices that provides a fitness assessment and fitness score by comparing previous athletic performances and fitness levels with future athletic performances and fitness levels, and provides advice and customized workouts for improving in specific areas of a particular sport or fitness activity; Downloadable computer software and computer application software for mobile phones and personal digital devices that monitor, track, and compare sport activity and fitness level; Downloadable computer software and computer application software for mobile phones and personal digital devices that evaluates a user's fitness level and athleticism, and provides fitness scores; Downloadable computer software and computer application software for

mobile phones and personal digital devices that provides tips, coaching, and personalized workouts, to improve the user's fitness score; Downloadable computer software and computer application software for mobile phones and personal digital devices for communicating with gaming consoles, personal computers, personal digital devices, and mobile phones, regarding time, pace, speed, steps taken, athletic skill, calories burned, agility, motion, balance, coordination, and flexibility; Downloadable computer software and computer application software for mobile phones and personal digital devices for monitoring, uploading, and downloading data regarding sport activity, fitness training, and fitness level to the internet and other computer and electronic communication networks; Downloadable computer software and computer application software that detects user's movements during physical activity, fitness sessions, workouts, to provide personalized fitness scores and assessments; Downloadable computer software and computer firmware, namely, downloadable operating system programs, database synchronization software, and data synchronization programs; ~~Downloadable computer software development tools~~; Downloadable computer software for accessing, browsing and searching online databases; Downloadable computer software for accessing, monitoring, searching, displaying, reading, recommending, sharing, organizing, and annotating news, sports, weather, commentary, and other information, content from periodicals, blogs, and websites, and other text, data, graphics, images, audio, video, and multimedia content; Downloadable computer software for communicating with gaming consoles regarding time, pace, speed, steps taken, athletic skill, calories burned, agility, motion, balance, coordination, and flexibility; Downloadable computer software for creating, authoring, distributing, downloading, transmitting, receiving, playing, editing, extracting, encoding, decoding, displaying, storing and organizing text, data, graphics, images, audio, video, and multimedia content, and electronic publications, and electronic games; Downloadable computer software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, embedding, transmitting, and sharing or otherwise providing electronic media or information via computer the internet and communication networks; Downloadable computer software for creating, managing, and interacting with an online community; Downloadable computer software for providing fitness and weight management; Downloadable computer software for providing fitness instruction, fitness assessments, and sport activities; Downloadable computer software for integrating electronic data with real world environments for the purposes of entertainment, communicating, and social networking; Downloadable computer software for managing information regarding tracking, compliance and motivation with a health and fitness program; Downloadable computer software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable computer software for modifying photographs, images and audio, video, and audio-visual content with photographic filters and virtual reality, mixed reality and augmented reality (AR) effects, namely, graphics, animations, text, drawings, geotags, metadata tags, hyperlinks; Downloadable computer software for monitoring, processing, displaying, storing and transmitting data relating to a user's physical activity; Downloadable computer software for processing images, graphics, audio, video, and text; Downloadable computer software for sending and receiving electronic messages, graphics, images, audio and audio visual content via computer the internet and communication networks; Downloadable computer software for sending and receiving electronic messages, alerts, notifications and reminders; Downloadable computer software for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, weather information, temperature, physical activity level, heart rate, pulse rate, blood pressure, calories burned, steps taken, and biometric data; Downloadable computer software for setting up, configuring, operating and controlling mobile devices, wearable devices, mobile phones, computers, and computer peripherals; Downloadable computer software for social networking and interacting with online communities; Downloadable computer software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and

information; Downloadable computer software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic wearable wireless communication devices from a data store on or associated with a personal computer or a server; Downloadable computer software for tracking and managing information regarding health, fitness, and wellness programs; Downloadable Computer software for use in creating, managing, measuring, and disseminating advertising of others; Downloadable computer software for viewing digital images and photographs provided as updates for or in combination with head-mounted display screen devices; Downloadable computer software for wireless content, data and information delivery; Downloadable computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; Downloadable computer software in the field of health, fitness, exercise, and wellness for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, temperature, physical activity level, heart rate, pulse rate, blood pressure, calories burned, steps taken, and biometric data and for tracking and managing information regarding health, fitness, exercise, and wellness programs; Downloadable computer software that detects user's movements during physical activity, fitness sessions, workouts, to provide personalized fitness scores and assessments; Downloadable computer software that evaluates a user's fitness level and athleticism, and provides fitness scores; Downloadable computer software that monitor, track, and compare sport activity and fitness level; Downloadable computer software that provides a fitness assessment and fitness score by comparing previous athletic performances and fitness levels with future athletic performances and fitness levels, and provides advice and customized workouts for improving in specific areas of a particular sport or fitness activity; Downloadable computer software that provides tips, coaching, and personalized workouts, to improve the user's fitness score; Downloadable computer software to enable accessing, displaying, editing, linking, sharing and otherwise providing electronic media and information via the internet and communications networks; Downloadable computer software to enable development, assessment, testing, and maintenance of mobile software applications for portable electronic communication devices, namely, mobile phones, smartphones, handheld computers and computer tablets; Downloadable computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the three-dimensional rendering of graphics, still images and moving pictures provided as updates for or in combination with head-mounted display screen devices; downloadable computer software and mobile application software for creating, managing and accessing groups within virtual communities; Downloadable computer software, namely, an application providing social networking functionalities; Downloadable computer software, namely, an interpretive interface for facilitating interaction between humans and machines; Downloadable computer software, namely, software development tools for the creation, debugging, and deployment of software applications for smart glasses, near eye displays, head mounted displays, and smartphones; Computers, namely, smartwatches; Connection cables; Digital video eyewear, namely smart glasses and virtual reality headsets; head mounted video display monitors being virtual reality headsets comprised primarily of micro display screens, connection cables and adapters, software and firmware for displaying video games, electronic media and images; Downloadable computer application software for mobile phones, smartphones, computers, tablets, smart glasses, digital video eyewear, wearable digital electronic devices, namely, glasses, goggles, and headsets, head mounted displays, near eye display systems, communications networks, cloud computing services, and computer systems, all for communicating between the devices, networks and services; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for displaying icons, determining and responding to user selection of icons, controlling connections to and communication with other devices, networks, and systems, operating a camera to record and display images and audio visual files, organizing digital image and audio visual files, controlling microphones, controlling sound level of built-in speakers, transferring computer files between the smart glasses, near eye display systems, head

mounted displays and other devices, networks, and systems, controlling user notifications, controlling a touchpad, controlling and obtaining data from sensors in the smart glasses, near eye display systems, and head mounted displays, including accelerometers, barometric, temperature, tilt, tip, and yaw sensors, head orientation sensors, and GPS receivers, controlling the speed of the CPU, and sensing and displaying the battery charge level, and displaying, capturing, recording, and streaming data, images, and audio visual content in standard reality, augmented reality, and mixed reality environments; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for the generation and display of standard reality, augmented reality, mixed reality content; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for communication with other smart glasses, near eye display systems, and head mounted displays; Downloadable computer software for enabling capture, storage, and transmission of photographs, videos, data, and information with a user's biometric, health, and other performance data overlaid and integrated into the recording; Downloadable computer software for viewing and interacting with a feed of images, audio, audio-visual and video content and associated text and data; Downloadable computer software, namely, downloadable mobile application for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals; Electric cables; Electrical adapters; Electronic monitoring devices incorporating indicators, used for monitoring a user's physical activity level, that light up and change color based on wearer's cumulative activity level; Electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport, fitness training, and activity data to the internet, and communication with gaming consoles and personal computers, regarding time, pace, speed, steps taken, athletic skill, calories burned, heart and body rate, global positioning, direction, distance, altitude, navigational and weather information; Electronic navigational instruments and apparatus; Fitness and exercise sensors, monitors, and displays for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, temperature, and navigational information, to be worn during exercise and for sports activities; Downloadable software for providing Gesture recognition; Glasses with the function of wireless communication, namely, smart glasses; Global positioning system (GPS) devices; Goggles for enabling virtual reality, augmented reality and mixed reality world experiences, namely, virtual reality, augmented reality, and mixed reality headsets; Computer hardware and downloadable software to view virtual images in creating virtual, augmented and mixed reality; Head mounted video display; Head-mounted display screen devices and their component parts, namely, video display cards; Headsets; Headsets for use with computers; downloadable software for displaying interactive entertainment content; interface electronics, namely, video driver interface circuits for digital video eyewear; Location-aware computer software, namely, downloadable computer software and mobile application software for searching, determining and sharing locations; Loudspeakers; ~~Downloadable messaging software~~; Micro displays, namely, head mounted video displays and near eye video displays; Mixed reality computer hardware; Mixed reality glasses; Mixed reality headsets; Downloadable software for providing Mixed reality experiences; Downloadable mixed reality software for displaying interactive entertainment content; Downloadable mixed reality software for navigating a mixed reality environment; Downloadable mixed reality software for object tracking, motion control and content visualization; Downloadable mixed reality software for operating mixed reality headsets; Downloadable mixed reality software for enabling users to experience mixed reality visualization, manipulation and immersion; Downloadable mobile application software for creating personalized fitness training programs; Electronic motion tracking sensors for augmented reality technology; Electronic motion tracking sensors for mixed reality technology; Electronic motion tracking sensors for virtual reality technology; Multifunctional electronic devices, namely, wearable personal fitness tracker for displaying, measuring, and uploading to the Internet information including time, date, body and heart rates, global positioning, direction, distance, altitude, speed, steps taken, calories burned,

navigational information, weather information, the temperature, wind speed, and the declination of body and heart rates, altitude and speed; Multifunctional electronic devices, namely, wearable personal fitness tracker for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; Near eye display optics, namely, video display screens for mounting near a user's eyes and lenses for displaying images to a user; Near eye display systems comprised of GPS sensors, accelerometers, magnetometers, directional compasses, environment temperature sensors, and electronic tip and tilt orientation sensors; Near eye display systems comprising computer hardware, electronic display interfaces, and software for the generation and display of virtual reality and mixed reality content; Near eye display systems comprising computer hardware, electronic display interfaces, and software specifically adapted for goggles; Near eye display systems comprising eyewear and software for the generation and display of standard reality, augmented reality, and mixed reality content; Near eye displays, namely, smartglasses; Network communication apparatus, namely, mobile and wearable digital electronic devices in the nature of smartwatches, wearable personal fitness trackers and personal digital assistants for the sending and receiving of text, data, audio, image, and video files across networks; Pedometers; Peripherals for mobile devices, namely, pedometers and altimeters; Downloadable personal digital assistant software; Personal digital assistants; Personal electronic devices used to track fitness goals and statistics, namely, wearable activity trackers; Personal fitness trackers, namely, wearable activity trackers; Personal video display devices in the nature of wearable video display monitors for viewing digital content including virtual reality, augmented reality and mixed reality content; Personal video display screens in the nature of wearable video display monitors; Portable, handheld, and personal digital electronic devices, namely, smartwatches, smartglasses, smartphones, and personal digital assistants for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; Remote control apparatus for wearable computer hardware in the nature of smartglasses and smartwatches; Sensors for scientific use to be worn by a human to gather human biometric data; mobile and wearable digital electronic devices wearable personal fitness tracker for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image and video files; Smart glasses; Smart glasses with wired and wireless audio capability; Smartwatch bands; Smartwatch straps; Smartwatches; Downloadable social assistant software for personal digital assistants; Downloadable computer Software and firmware for controlling, configuring and managing controllers; Downloadable computer Software and firmware for displaying video games and electronic media on display screen devices provided as updates for or in combination with head-mounted display screen devices; Downloadable computer Software and firmware for operating system programs; Downloadable computer software and firmware for operating video drivers and video processing provided as updates for or in combination with head-mounted display screen devices; Downloadable computer software and firmware for enabling electronic devices to share data and communicate with each other; Downloadable software driver programs for electronic devices for enabling computer hardware and electronic devices to communicate with each other; Downloadable software for advertisers to communicate and interact with online communities; Downloadable software for providing alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Downloadable software for communicating by wireless local area networks, wireless technologies, and other communication protocols between near-eye display systems and network devices, namely, mobile phones, smart phones, computers, tablets, and other computer systems; ~~Downloadable software for converting natural language into machine-executable commands; Downloadable software for creating and managing social media profiles and user accounts;~~ Downloadable software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, embedding, transmitting, and sharing or

otherwise providing electronic media or information via computer and communication networks; ~~Downloadable software for creating, managing and accessing groups within virtual communities;~~ Downloadable software for creating, managing, and interacting with an online community; ~~Downloadable software for facilitating and arranging for the financing and distribution of fundraising and donations;~~ Downloadable software for generating images to be displayed in near-eye display system; ~~Downloadable software for integrating electronic data with real world environments for the purposes of entertainment, education, gaming, communicating, and social networking;~~ Downloadable software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable software for facilitating online charitable fundraising services and financial donation services; Downloadable software for ordering and/or purchasing goods and services; Downloadable software for organizing, searching for and managing social events; Downloadable software for planning activities with other users, and making recommendations; ~~Downloadable software for processing images, graphics, audio, video, and text;~~ ~~Downloadable software for recording, storing, transmitting, receiving, displaying and analyzing data from wearable computer hardware;~~ Downloadable software for smart phones and other computer systems to generate data, images, and audio for display in near-eye display systems and for transmitting such data, images, audio to near-eye display systems; Downloadable software for smart phones and other computer systems to receive data from near-eye display systems; Downloadable software for social and destination mapping; Downloadable software for providing social networking; Downloadable software for streaming multimedia entertainment content; Downloadable software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; Downloadable software for tracking motion in, visualizing, manipulating, viewing, and displaying augmented, mixed and virtual reality experiences; Downloadable software for use in creating and designing virtual reality, augmented reality and mixed reality software; Downloadable software for wireless content, data and information delivery; Downloadable software that enables individuals, groups, companies, and brands to create and maintain an online presence for marketing purposes; Downloadable software, namely, an interpretive interface for facilitating interaction between humans and machines; Telecommunications apparatus and instruments, namely, speakers and microphones sold as component features of computers, mobile and wearable smartwatches, wearable personal fitness trackers, smart glasses and virtual reality headsets for the sending and receiving of telephone calls, text messages, electronic mail, and other digital data, and for use in providing access to the internet; Virtual reality glasses; Virtual reality headsets; Downloadable virtual reality software for displaying interactive entertainment content; Downloadable virtual reality software for navigating a virtual reality environment; Downloadable Virtual reality software for object tracking, motion control and content visualization; Downloadable Virtual reality software for operating virtual reality headsets; Downloadable virtual reality software for enabling users to experience virtual reality visualization, manipulation and immersion; Downloadable virtual, augmented, and mixed reality software for use in enabling computers, video game consoles, handheld video game consoles, tablet computers, mobile devices, and mobile telephones to provide virtual, augmented, and mixed reality experiences; Smartwatches and personal fitness trackers that communicate data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication network; Waterproof near eye display systems comprising computer hardware, electronic video display interfaces, and software for the generation and display of virtual reality and mixed reality content; Wearable activity trackers; Wearable computer peripherals, namely, wearable personal fitness trackers, smartwatches, smartglasses, and virtual reality headsets; Wearable computing devices in the nature of virtual reality headsets comprised primarily of software and display screens for connection to computers, tablet computers, mobile devices, and mobile phones in order to enable virtual reality, augmented reality and mixed reality world experiences; Wearable digital electronic devices in the nature of wearable personal fitness trackers and smart glasses comprised primarily of software for alerts, messages, emails, and

reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Wearable digital electronic devices, namely, smartglasses, virtual reality goggles, and headsets; Wearable electronic devices, namely, smartwatches that are comprised of software that communicates data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication networks; Wearable peripherals for computers, tablet computers, mobile devices and mobile telephones, namely, configurable head-mounted displays; Wireless computer peripherals

Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e).

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). *See* TMEP §1402.04.

This Requirement is now made FINAL.

PROPER RESPONSE TO FINAL OFFICE ACTION - PARTIAL REFUSAL/REQUIREMENTS

If applicant does not respond by the response deadline, the following goods and/or services to which the final refusal(s) and/or requirement(s) apply will be **deleted** from the application by Examiner's Amendment: All the above stricken entries and Virtual reality game computer hardware; Augmented reality game computer hardware; Mixed reality game computer hardware; Virtual reality computer hardware; Augmented reality computer hardware. 37 C.F.R. §2.65(a)-(a)(1); *see* 15 U.S.C. §1062(b).

In such case, the application will proceed for the following goods and/or services only:

Downloadable software in the nature of a mobile application for social networking purposes; Computer hardware; Downloadable software for social networking and creating and interacting with online communities; Downloadable software for creating, managing and accessing groups within virtual communities; Downloadable computer software development tools; Downloadable software to enable development, assessment, testing, and maintenance of mobile software applications for portable electronic communication devices, namely, mobile phones, smartphones, handheld computers and computer tablets; Downloadable software for use as an application programming interface (API); Downloadable software for organizing events, searching for events, calendaring and managing events; Downloadable software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, interacting with, embedding, and sharing or otherwise providing electronic media, images, video, audio, audio-visual content, data, and information via the internet and communication networks; Downloadable computer software for finding content and content publishers, and for subscribing to content; Downloadable software for creating and managing social media profiles and user accounts; Interactive photo and video equipment, namely, kiosks for capturing, uploading, editing, printing and sharing digital images and video; Downloadable software for streaming multimedia entertainment content, audio-visual content, video content, and associated text and data; Downloadable software for enabling transmission of images, audio, audio visual and video content and data; Downloadable software for modifying photographs, images and audio, video, and audio-visual content; Downloadable software for use in taking and editing photographs and recording and editing videos; Downloadable

software for processing images, graphics, audio, video, and text; Downloadable software for collecting, managing, organizing, synchronizing, and the storage of data and information; Downloadable e-commerce software to allow users to perform electronic business transactions a global computer and communication networks; Downloadable software and mobile application software for providing a virtual marketplace; Downloadable software for sending and receiving electronic messages, alerts, notifications and reminders; Downloadable software for file sharing; Downloadable messaging software; Downloadable computer search engine software; Downloadable software for use in creating, managing, measuring, and disseminating advertising of others; Advertisement server, namely, a computer server for storing advertisements and delivering advertisements to websites; Downloadable software for creating, sharing, disseminating and posting advertising; Downloadable software for geo-location based advertising and product and service promotion; Downloadable software that enables individuals, groups, companies, and brands to create and maintain an online presence and interact with online communities for marketing purposes; Downloadable virtual reality software for interactive entertainment and virtual reality gaming; Downloadable augmented reality software for interactive entertainment and augmented reality gaming; Downloadable mixed reality software for interactive entertainment and augmented reality gaming; Downloadable virtual reality software for displaying interactive entertainment and virtual reality gaming; Downloadable augmented reality software for displaying interactive entertainment and augmented reality gaming; Downloadable software for integrating electronic data with real world environments for the purposes of entertainment, education, gaming, communicating, and social networking; Downloadable software for use in enabling computers, video game consoles, handheld video game consoles, tablet computers, mobile devices, and mobile telephones to provide virtual reality and augmented reality experiences; Downloadable software for operating, configuring, and managing virtual reality headsets and controllers; Downloadable software for gesture recognition, object tracking, motion control, and content visualization; Downloadable computer software, firmware and hardware for use in visual, voice, audio, motion, eye and gesture tracking and recognition; Downloadable software for navigating a virtual reality and augmented reality environments; Downloadable software for enabling users to experience virtual reality and augmented reality visualization, manipulation, and immersion; Downloadable software for recording, storing, transmitting, receiving, displaying and analyzing data from wearable computer hardware; Downloadable software for use in creating and designing virtual reality and augmented reality software; Downloadable computer application programming interface (API) for computer software for developing virtual reality and augmented reality experiences; Motion tracking sensors for virtual reality and augmented reality technology; Virtual reality hardware, namely, headsets and glasses for engaging in virtual reality experiences and playing virtual reality games; Augmented reality hardware, namely, headsets and glasses for engaging in augmented reality experiences and playing augmented reality games; Wearable computing devices comprised primarily of downloadable software and video display screens for connection to computers, tablet computers, mobile devices, and mobile phones in order to enable virtual reality and augmented reality world experiences; Computer hardware and downloadable software for operating sensor devices; Electronic sensor devices, cameras, projectors, and microphones for gesture, facial, and voice detection, capture and recognition; Computer hardware and downloadable software for detecting objects, user gestures and commands; Downloadable electronic game software in the nature of video games, computer games, interactive multimedia games, and virtual, augmented, and mixed reality games; Downloadable computer software for controlling the operation of audio and video devices; Downloadable video display software; Downloadable software for accessing and viewing text, images and electronic data relating to conferences in the field of software development; Downloadable software for converting natural language into machine-executable commands; Downloadable software for facilitating interaction and communication between humans and AI (artificial intelligence) platforms; Downloadable computer Application programming interface (API) for use in developing AI (artificial intelligence) platforms, namely, bots, virtual agents and virtual assistants; Downloadable

software, namely, an interpretive software interface for facilitating interaction between humans and machines; Downloadable artificial intelligence software, namely, machine learning software, visual perception software speech or language recognition software, decision-making software, translation software, touch recognition software, conversational query software, software for converting natural language into machine-executable commands, and digital assistant software; Downloadable virtual assistant software that can perform tasks or services on behalf of a user that is activated by user input, location awareness, and online information; Downloadable software for providing consumer information; Downloadable software for providing electronic maps; Location-aware downloadable software for searching, determining, and sharing locations; Downloadable software for searching and identifying employment opportunities; Downloadable software for identifying and allowing users to contact government representatives; Downloadable software providing location-based weather information; Downloadable software providing, linking to, or streaming news or current events information; Downloadable parental control software; Downloadable computer operating system software; Downloadable software for enabling electronic devices to share data and communicate with each other; Wearable peripherals for computers, tablet computers, mobile devices and mobile telephones in the nature of smart glasses, smartwatches and video display monitors; Digital media streaming devices; Headsets and headphones; Video display computer hardware, namely, video drivers for video eyewear; Cameras; Batteries; Battery cases; Battery packs; Rechargeable electric battery devices, namely, rechargeable batteries and portable power supplies; Battery chargers; Rechargeable external battery packs for use with mobile electronic devices; Power charging and power management devices for mobile electronic devices, namely, power supplies and electrical power distribution units; Charging stands for mobile electronic devices, namely mobile phones, smart phones, electronic tablet computers, portable computers, and virtual reality headsets and controllers; External chargers for use with computers, tablet computers, mobile phones, and mobile devices, namely virtual reality headsets and controllers; Wireless charging cases for use with computers, tablet computers, mobile telephones, and mobile devices, namely virtual reality headsets and controllers; Power adapters; Electrical adapters, cable, and connectors; Bags and cases specially adapted for mobile phones, smart phones, electronic tablet computers, and portable computers; Protective covers and cases for mobile phones, smart phones and electronic tablet computers; Holders, armbands, clips and carrying cases specially adapted for mobile phones, smart phones and electronic tablet computers; Wall mounts for mounting mobile phones, smartphones and electronic tablet computers; Stands for mobile phones, smart phones and electronic tablet computers; Holders for mobile phones, smart phones and electronic tablet computers; Audio speakers; Electrical audio and speaker cables and connectors; Electronic cables parts and fittings; Electronic cables; Cables for optical signal transmission; Power cables and cable connectors; Microphones; Audio receivers; Audio transmitters; Head-mounted video display; Receivers of electronic signals; Video receivers; Wireless transmitters and receivers for reproduction of sound and signals; Electric sensors for monitoring physical movements, not for medical purposes; Sensors for monitoring physical movements; Downloadable software for use in customer relationship management (CRM); Downloadable software for facilitating and arranging for the financing and distribution of fundraising and donations; Downloadable software for online charitable fundraising services and financial donation services; Downloadable software for use in facilitating voice over internet protocol (VOIP) calls, phone calls, video calls, text messages, instant message and online social networking services; Telecommunications equipment for providing third party access to, and enabling the transmission of video, data and voice over, global communications networks, namely, mobile and access computer and mobile telephone terminals, base transceiver stations and wireless radio parts thereof, data transceivers, data repeaters, routers and switches, transmission circuits, integrated circuits, computer hardware, mobile cloud clients and servers, multiplexers, digital signal processors, radio frequency signal processors, mobile switching circuits, air traffic electrical controllers, mobility electrical controllers, access electrical controllers, remote port electrical controllers, radio ports,

antennas, electronic radio components, downloadable software for facilitating telecommunications transmissions, and mobile core networks comprising data transceivers, wireless networks and gateways for collection, transmission and management of data, voice and video; Downloadable communication software and communication computer hardware for providing access to the Internet; Telecommunications equipment, namely apparatus for transmitting sound, images, or data; Radio receivers and transmitters; PS receivers; Downloadable software to allow users to perform e-commerce transactions via the internet and communications networks; Downloadable computer software that allows users to make payments and transfer funds; Downloadable computer software that enables online users to make payments and transfer funds across multiple websites and mobile applications; Downloadable computer software for processing electronic payments; Downloadable software for facilitating machine learning; Downloadable software for building user interfaces; Downloadable electronic publications in the nature of articles in the field of virtual reality, augmented reality, mixed reality, social technology, and social media; Interactive photo and video equipment, namely, computer hardware for capturing, uploading, editing, printing and sharing digital images and video; Downloadable software for the synchronization of data between a remote station or device and a fixed or remote station or device; Downloadable voice command and recognition software; Downloadable speech to text conversion software; Downloadable voice-enabled software applications for personal information management; Downloadable home and automation and home device integration software; Downloadable wireless communication software for voice, audio, video, and data transmission; Downloadable software used for controlling stand-alone voice controlled information and personal assistant devices; Downloadable software for voice recognition for use in connection with the transmission of voice and data; Downloadable software for accessing, browsing, and searching online databases, audio, video, and multimedia content, games, and software applications, and software application marketplaces; Downloadable software for use to connect and control internet of things (iot) electronic devices; Downloadable computer application software for handheld wireless devices, namely, software for controlling, integrating, operating, connecting, and managing voice controlled information devices, namely, cloud-connected and voice-controlled smart consumer electronic devices and electronic personal assistant devices; Downloadable software for processing, reproducing, synchronizing, recording, organizing, downloading, uploading, transmitting, streaming, receiving, playing and viewing text, multimedia and data files; Downloadable software, for personalized, interactive television (TV) programming and for use in displaying and manipulating visual media, graphic images, text, photographs, illustrations, digital animation, video clips, film footage and audio data; Downloadable software in the nature of a mobile application for telecommunication services for providing transmission of voice, data, video, and media content via the internet and the worldwide web for computers or other portable consumer electronic devices; Downloadable software for searching television entertainment exploration guides; Downloadable software for searching, locating, compiling, indexing, correlating, navigating, obtaining, downloading, receiving, encoding, decoding, playing, storing and organizing text, data, images, graphics, audio and video on a global computer network; Downloadable software to enhance mobile access to the internet via computers, mobile computers, and mobile communications devices; Downloadable software for formatting and converting content, text, visual works, audio works, audiovisual works, literary works, data, files, documents and electronic works into a format compatible with portable electronic devices and computers; Electronic communication equipment and instruments, namely, smartwatches, smart glasses, personal digital assistance, and virtual reality headsets for sending and receiving of text, data, audio, image, and video files; Telecommunications apparatus and instruments, namely, speakers and microphones sold as component features of computers, mobile and wearable digital electronic smart watches, personal digital assistance and virtual reality headsets for the sending and receiving of telephone calls, text messages, electronic mail, and other digital data, and for use in providing access to the internet; Electronic notepads; Electronic personal organizers; voice recording and voice recognition apparatus,

namely, digital voice recorders and microphones for receiving voice data; Portable digital electronic devices in the nature of smartwatches, smart phones, personal digital assistants for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; Wearable digital electronic devices in the nature of smartwatches, wearable personal fitness trackers, and smart glasses comprised primarily of software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Downloadable software for accessing, browsing and searching online databases; Downloadable software for accessing, monitoring, searching, displaying, reading, recommending, sharing, organizing, and annotating news, sports, weather, commentary, and other information, content from periodicals, blogs, and websites, and other text, data, graphics, images, audio, video, and multimedia content; Downloadable software for creating, authoring, distributing, downloading, transmitting, receiving, playing, editing, extracting, encoding, decoding, displaying, storing and organizing text, data, graphics, images, audio, video, and multimedia content, electronic publications, and electronic games; Apparatus for recording, transmission or reproduction of sound or images; Apparatus for transmission of communication; Apparatus for data storage, namely, mobile and wearable digital electronic devices in the nature of mobile phones, smartwatches, smartglasses, and personal fitness trackers for the storage of text, data, audio, image, and video files; Downloadable computer software for managing and verifying cryptocurrency transactions on a blockchain; Downloadable computer software for managing and validating cryptocurrency transactions using blockchain-based smart contracts; Downloadable computer software for managing smart contracts using blockchain technology; Downloadable computer software for managing crypto asset transactions using blockchain technology; Downloadable computer software for accessing, reading, and tracking information in the field of financial transactions, on a blockchain; Downloadable computer software for managing cryptocurrency transactions using blockchain technology; Downloadable software for use as a digital currency, crypto currency and virtual currency wallet; Digital currency wallet and storage services software; Downloadable computer software for use as a cryptocurrency wallet; Cryptocurrency hardware wallet; Downloadable computer software for use as a digital wallet; Downloadable computer software for use as an electronic wallet; Downloadable computer programs and downloadable computer application software for electronic storage of data; Downloadable software for providing a digital wallet; Downloadable software for digital currency payment and exchange transactions; Downloadable software for use in managing portfolios of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for providing electronic wallet services; Downloadable e-wallets, namely, downloadable computer Software for use as an electronic wallet; Downloadable computer software for managing electronic payment transactions using distributed ledger technology (DLT); Downloadable software which facilitates the ability of users to view, analyze, record, store, monitor, manage, trade and exchange digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for sending, receiving, accepting, buying, selling, storing, transmitting, trading and exchanging digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, cryptotokens and utility tokens; Downloadable software for implementing and recording financial transactions; Downloadable software for use in financial trading; Downloadable software for use in financial exchange; Downloadable software for accessing financial information and market data and trends; Downloadable software for providing authentication of parties to a financial transaction; Downloadable software for maintaining ledgers for financial transactions; Downloadable software for the management of cryptographic security of electronic transmissions across computer networks; Downloadable software for encrypting and enabling secure transmission of digital information over the Internet; Downloadable software for allowing users to calculate parameters related to financial transactions; Downloadable software for electronic funds transfer; Downloadable software for currency conversion;

Downloadable software for the collection and distribution of data; Downloadable software for processing payment transactions; Downloadable software for connecting computers to local databases and global computer networks; Downloadable software for creating searchable databases of information and data; Downloadable software for managing and validating digital currency, virtual currency, cryptocurrency, digital asset, blockchain asset, digitized asset, digital token, crypto token and utility token transactions; Downloadable software for creating and managing smart contracts; Downloadable software for managing payment and exchange transactions; Downloadable software and computer hardware for use as a digital currency wallet, virtual currency wallet, digital asset wallet, crypto token wallet, and utility wallet; Downloadable software for creating a decentralized and open source digital currency, virtual currency, cryptocurrency, digitized assets, digital token for use in blockchain-based transactions; Downloadable computer application software for blockchain-based platforms, namely, software for operating digital exchanges for virtual items; Downloadable software for creating, selling and managing blockchain-based tokens; Downloadable software for use in managing an electronic financial platform; Downloadable software for processing electronic payments and for transferring funds to and from others; Downloadable software for blockchain-based inventory management; Downloadable software for use in the management and implementation of digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token transactions; Downloadable software for creating and managing a blockchain platform for use in managing digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; Downloadable software for managing crypto currency and digital currency accounts; Downloadable software for use in managing payments, purchases, and investments using digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for use in managing the conversion of digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens into hard currency; Downloadable software for developing, deploying, and managing software applications, and integrating software applications for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, digitized asset, digital token, crypto token and utility token accounts; Downloadable software and computer hardware for use in electronically exchanging currency for digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Downloadable software for use as an application programming interface (API) for the development, testing, and integration of blockchain software applications; Computer hardware for digital currency, virtual currency, cryptocurrency, digital and blockchain asset, and digitized asset mining; Security token hardware; Electronic currency converters; Downloadable software, namely, electronic financial platform that accommodates multiple types of payment and transactions in an integrated mobile phone, personal digital assistant (PDA), and web-based environment; Downloadable software for creating tokens to be used to pay for products and services, and that may be traded or exchanged for cash value; Downloadable software for managing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized asset, digital token, crypto token and utility token payments, money transfers, and commodity transfers; Downloadable software for use as an application program interface (API) software for use in computer hardware device identification; Downloadable software for use in authenticating user access to computers and computer networks; Downloadable software for use in facilitating secure transactions; Downloadable software for use in accessing, reading, tracking, and using blockchain technology; Downloadable software and computer hardware for managing identity information, access rights to information resources and applications and authentication functionality; Downloadable software for network identification verification, authentication and management services for security purposes; Downloadable authentication software for controlling access to and communications with computers and computer networks; Magnetically encoded credit cards and payment cards being debit cards, credit

cards, and gift cards; Encryption devices, namely, electronic encryption units; Security tokens, namely, electronic security token in the nature of a fob-like device used by an authorized user of a computer system to facilitate authentication; Downloadable software for managing a security token; Downloadable software for issuing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, cryptotokens and utility tokens; Downloadable computer software for managing crypto tokens and utility tokens; Downloadable software used in auditing digital currency, virtual currency, cryptocurrency, digital and blockchain assets, digitized assets, digital tokens, crypto tokens and utility tokens; Ad server, namely, a computer server for storing advertisements and delivering advertisements to websites; Downloadable Application programming interface (API) software for developing and creating virtual reality, augmented reality and mixed reality experiences; Downloadable Application programming interface (API) software which facilitates online services for social networking and for data retrieval, upload, download, access and management; Application programming interface (API) software for use in building other software applications; Augmented reality glasses; Augmented reality headsets; Downloadable Augmented reality software for playing computer games; Downloadable augmented reality software for displaying interactive entertainment content; Downloadable augmented reality software for navigating an augmented reality environment; Downloadable augmented reality software for object tracking, motion control and content visualization; Downloadable augmented reality software for operating augmented reality headsets; Downloadable augmented reality software for enabling users to experience augmented reality visualization, manipulation, and immersion; Cables, namely, electronic cables and connection cables; Electronic device accessories, namely, cases, wrist bands and arm bands; Downloadable computer application software for smartphones and mobile devices for providing personal training services, coaching, workouts and fitness assessments in the fields of fitness and exercise; Downloadable computer application software for use in connection with configuring and controlling wearable computer hardware and wearable computer peripherals; Computer hardware for displaying data and video; Computer hardware for use in measuring heart rhythm; Computer hardware for use in taking electrocardiograms; ~~Downloadable computer operating system software~~; Computer peripheral equipment for use with smartwatches, namely, smartwatch bands and smartwatch straps; Computer peripherals for displaying data and video; Computer peripherals for mobile devices for displaying data and video, namely, computer peripherals worn on the head for mobile devices for displaying data and video; Computer peripherals for mobile devices for remotely accessing and transmitting data, namely, computer peripherals worn on the head for mobile devices for remotely accessing and transmitting data; Computer peripherals for mobile devices, namely, computer peripherals for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, weather information, and biometric data for scientific use, including physical activity level, heart rate, pulse rate, blood pressure, calories burned, and steps taken; Computer peripherals for remotely accessing and transmitting data; Downloadable computer software and computer application software for mobile phones and personal digital devices that provides a fitness assessment and fitness score by comparing previous athletic performances and fitness levels with future athletic performances and fitness levels, and provides advice and customized workouts for improving in specific areas of a particular sport or fitness activity; Downloadable computer software and computer application software for mobile phones and personal digital devices that monitor, track, and compare sport activity and fitness level; Downloadable computer software and computer application software for mobile phones and personal digital devices that evaluates a user's fitness level and athleticism, and provides fitness scores; Downloadable computer software and computer application software for mobile phones and personal digital devices that provides tips, coaching, and personalized workouts, to improve the user's fitness score; Downloadable computer software and computer application software for mobile phones and personal digital devices for communicating with gaming consoles, personal computers, personal digital devices, and mobile phones, regarding time, pace, speed, steps taken,

athletic skill, calories burned, agility, motion, balance, coordination, and flexibility; Downloadable computer software and computer application software for mobile phones and personal digital devices for monitoring, uploading, and downloading data regarding sport activity, fitness training, and fitness level to the internet and other computer and electronic communication networks; Downloadable computer software and computer application software that detects user's movements during physical activity, fitness sessions, workouts, to provide personalized fitness scores and assessments; Downloadable computer software and computer firmware, namely, downloadable operating system programs, database synchronization software, and data synchronization programs; Downloadable computer software for accessing, browsing and searching online databases; Downloadable computer software for accessing, monitoring, searching, displaying, reading, recommending, sharing, organizing, and annotating news, sports, weather, commentary, and other information, content from periodicals, blogs, and websites, and other text, data, graphics, images, audio, video, and multimedia content; Downloadable computer software for communicating with gaming consoles regarding time, pace, speed, steps taken, athletic skill, calories burned, agility, motion, balance, coordination, and flexibility; Downloadable computer software for creating, authoring, distributing, downloading, transmitting, receiving, playing, editing, extracting, encoding, decoding, displaying, storing and organizing text, data, graphics, images, audio, video, and multimedia content, and electronic publications, and electronic games; Downloadable computer software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, embedding, transmitting, and sharing or otherwise providing electronic media or information via computer the internet and communication networks; Downloadable computer software for creating, managing, and interacting with an online community; Downloadable computer software for providing fitness and weight management; Downloadable computer software for providing fitness instruction, fitness assessments, and sport activities; Downloadable computer software for integrating electronic data with real world environments for the purposes of entertainment, communicating, and social networking; Downloadable computer software for managing information regarding tracking, compliance and motivation with a health and fitness program; Downloadable computer software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable computer software for modifying photographs, images and audio, video, and audio-visual content with photographic filters and virtual reality, mixed reality and augmented reality (AR) effects, namely, graphics, animations, text, drawings, geotags, metadata tags, hyperlinks; Downloadable computer software for monitoring, processing, displaying, storing and transmitting data relating to a user's physical activity; Downloadable computer software for processing images, graphics, audio, video, and text; Downloadable computer software for sending and receiving electronic messages, graphics, images, audio and audio visual content via computer the internet and communication networks; Downloadable computer software for sending and receiving electronic messages, alerts, notifications and reminders; Downloadable computer software for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, weather information, temperature, physical activity level, heart rate, pulse rate, blood pressure, calories burned, steps taken, and biometric data; Downloadable computer software for setting up, configuring, operating and controlling mobile devices, wearable devices, mobile phones, computers, and computer peripherals; Downloadable computer software for social networking and interacting with online communities; Downloadable computer software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; Downloadable computer software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic wearable wireless communication devices from a data store on or associated with a personal computer or a server; Downloadable computer software for tracking and managing information regarding health, fitness, and wellness programs; Downloadable Computer software for use in creating, managing, measuring, and disseminating advertising of others;

Downloadable computer software for viewing digital images and photographs provided as updates for or in combination with head-mounted display screen devices; Downloadable computer software for wireless content, data and information delivery; Downloadable computer software for wireless data communication for receiving, processing, transmitting and displaying information relating to fitness, body fat, body mass index; Downloadable computer software in the field of health, fitness, exercise, and wellness for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, navigational information, temperature, physical activity level, heart rate, pulse rate, blood pressure, calories burned, steps taken, and biometric data and for tracking and managing information regarding health, fitness, exercise, and wellness programs; Downloadable computer software that detects user's movements during physical activity, fitness sessions, workouts, to provide personalized fitness scores and assessments; Downloadable computer software that evaluates a user's fitness level and athleticism, and provides fitness scores; Downloadable computer software that monitor, track, and compare sport activity and fitness level; Downloadable computer software that provides a fitness assessment and fitness score by comparing previous athletic performances and fitness levels with future athletic performances and fitness levels, and provides advice and customized workouts for improving in specific areas of a particular sport or fitness activity; Downloadable computer software that provides tips, coaching, and personalized workouts, to improve the user's fitness score; Downloadable computer software to enable accessing, displaying, editing, linking, sharing and otherwise providing electronic media and information via the internet and communications networks; Downloadable computer software to enable development, assessment, testing, and maintenance of mobile software applications for portable electronic communication devices, namely, mobile phones, smartphones, handheld computers and computer tablets; Downloadable computer software to enhance the audio-visual capabilities of multimedia applications, namely, for the three-dimensional rendering of graphics, still images and moving pictures provided as updates for or in combination with head-mounted display screen devices; downloadable computer software and mobile application software for creating, managing and accessing groups within virtual communities; Downloadable computer software, namely, an application providing social networking functionalities; Downloadable computer software, namely, an interpretive interface for facilitating interaction between humans and machines; Downloadable computer software, namely, software development tools for the creation, debugging, and deployment of software applications for smart glasses, near eye displays, head mounted displays, and smartphones; Computers, namely, smartwatches; Connection cables; Digital video eyewear, namely smart glasses and virtual reality headsets; head mounted video display monitors being virtual reality headsets comprised primarily of micro display screens, connection cables and adapters, software and firmware for displaying video games, electronic media and images; Downloadable computer application software for mobile phones, smartphones, computers, tablets, smart glasses, digital video eyewear, wearable digital electronic devices, namely, glasses, goggles, and headsets, head mounted displays, near eye display systems, communications networks, cloud computing services, and computer systems, all for communicating between the devices, networks and services; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for displaying icons, determining and responding to user selection of icons, controlling connections to and communication with other devices, networks, and systems, operating a camera to record and display images and audio visual files, organizing digital image and audio visual files, controlling microphones, controlling sound level of built-in speakers, transferring computer files between the smart glasses, near eye display systems, head mounted displays and other devices, networks, and systems, controlling user notifications, controlling a touchpad, controlling and obtaining data from sensors in the smart glasses, near eye display systems, and head mounted displays, including accelerometers, barometric, temperature, tilt, tip, and yawl sensors, head orientation sensors, and GPS receivers, controlling the speed of the CPU, and sensing and displaying the battery charge level, and displaying, capturing, recording, and streaming data, images,

and audio visual content in standard reality, augmented reality, and mixed reality environments; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for the generation and display of standard reality, augmented reality, mixed reality content; Downloadable computer application software for smart glasses, near eye display systems, and head mounted displays for communication with other smart glasses, near eye display systems, and head mounted displays; Downloadable computer software for enabling capture, storage, and transmission of photographs, videos, data, and information with a user's biometric, health, and other performance data overlaid and integrated into the recording; Downloadable computer software for viewing and interacting with a feed of images, audio, audio-visual and video content and associated text and data; Downloadable computer software, namely, downloadable mobile application for setting up, configuring, and controlling wearable computer hardware and wearable computer peripherals; Electric cables; Electrical adapters; Electronic monitoring devices incorporating indicators, used for monitoring a user's physical activity level, that light up and change color based on wearer's cumulative activity level; Electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport, fitness training, and activity data to the internet, and communication with gaming consoles and personal computers, regarding time, pace, speed, steps taken, athletic skill, calories burned, heart and body rate, global positioning, direction, distance, altitude, navigational and weather information; Electronic navigational instruments and apparatus; Fitness and exercise sensors, monitors, and displays for sensing, monitoring, recording, displaying, measuring, and transmitting global positioning, direction, distance, altitude, speed, temperature, and navigational information, to be worn during exercise and for sports activities; Downloadable software for providing Gesture recognition; Glasses with the function of wireless communication, namely, smart glasses; Global positioning system (GPS) devices; Goggles for enabling virtual reality, augmented reality and mixed reality world experiences, namely, virtual reality, augmented reality, and mixed reality headsets; Computer hardware and downloadable software to view virtual images in creating virtual, augmented and mixed reality; Head mounted video display; Head-mounted display screen devices and their component parts, namely, video display cards; Headsets; Headsets for use with computers; downloadable software for displaying interactive entertainment content; interface electronics, namely, video driver interface circuits for digital video eyewear; Location-aware computer software, namely, downloadable computer software and mobile application software for searching, determining and sharing locations; Loudspeakers; Micro displays, namely, head mounted video displays and near eye video displays; Mixed reality computer hardware; Mixed reality glasses; Mixed reality headsets; Downloadable software for providing Mixed reality experiences; Downloadable mixed reality software for displaying interactive entertainment content; Downloadable mixed reality software for navigating a mixed reality environment; Downloadable mixed reality software for object tracking, motion control and content visualization; Downloadable mixed reality software for operating mixed reality headsets; Downloadable mixed reality software for enabling users to experience mixed reality visualization, manipulation and immersion; Downloadable mobile application software for creating personalized fitness training programs; Electronic motion tracking sensors for augmented reality technology; Electronic motion tracking sensors for mixed reality technology; Multifunctional electronic devices, namely, wearable personal fitness tracker for displaying, measuring, and uploading to the Internet information including time, date, body and heart rates, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, weather information, the temperature, wind speed, and the declination of body and heart rates, altitude and speed; Multifunctional electronic devices, namely, wearable personal fitness tracker for displaying, measuring, and uploading to the Internet information including time, date, heart rate, global positioning, direction, distance, altitude, speed, steps taken, calories burned, navigational information, changes in heart rate, activity level, hours slept, quality of sleep, and silent wake alarm; Near eye display optics, namely,

video display screens for mounting near a user's eyes and lenses for displaying images to a user; Near eye display systems comprised of GPS sensors, accelerometers, magnetometers, directional compasses, environment temperature sensors, and electronic tip and tilt orientation sensors; Near eye display systems comprising computer hardware, electronic display interfaces, and software for the generation and display of virtual reality and mixed reality content; Near eye display systems comprising computer hardware, electronic display interfaces, and software specifically adapted for goggles; Near eye display systems comprising eyewear and software for the generation and display of standard reality, augmented reality, and mixed reality content; Near eye displays, namely, smartglasses; Network communication apparatus, namely, mobile and wearable digital electronic devices in the nature of smartwatches, wearable personal fitness trackers and personal digital assistants for the sending and receiving of text, data, audio, image, and video files across networks; Pedometers; Peripherals for mobile devices, namely, pedometers and altimeters; Downloadable personal digital assistant software; Personal digital assistants; Personal electronic devices used to track fitness goals and statistics, namely, wearable activity trackers; Personal fitness trackers, namely, wearable activity trackers; Personal video display devices in the nature of wearable video display monitors for viewing digital content including virtual reality, augmented reality and mixed reality content; Personal video display screens in the nature of wearable video display monitors; Portable, handheld, and personal digital electronic devices, namely, smartwatches, smartglasses, smartphones, and personal digital assistants for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, and digital files; Remote control apparatus for wearable computer hardware in the nature of smartglasses and smartwatches; Sensors for scientific use to be worn by a human to gather human biometric data; mobile and wearable digital electronic devices wearable personal fitness tracker for recording, organizing, transmitting, manipulating, and reviewing text, data, audio, image and video files; Smart glasses; Smart glasses with wired and wireless audio capability; Smartwatch bands; Smartwatch straps; Smartwatches; Downloadable social assistant software for personal digital assistants; Downloadable computer Software and firmware for controlling, configuring and managing controllers; Downloadable computer Software and firmware for displaying video games and electronic media on display screen devices provided as updates for or in combination with head-mounted display screen devices; Downloadable computer Software and firmware for operating system programs; Downloadable computer software and firmware for operating video drivers and video processing provided as updates for or in combination with head-mounted display screen devices; Downloadable computer software and firmware for enabling electronic devices to share data and communicate with each other; Downloadable software driver programs for electronic devices for enabling computer hardware and electronic devices to communicate with each other; Downloadable software for advertisers to communicate and interact with online communities; Downloadable software for providing alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Downloadable software for communicating by wireless local area networks, wireless technologies, and other communication protocols between near-eye display systems and network devices, namely, mobile phones, smart phones, computers, tablets, and other computer systems; Downloadable software for creating, editing, uploading, downloading, accessing, viewing, posting, displaying, tagging, blogging, streaming, linking, annotating, indicating sentiment about, commenting on, embedding, transmitting, and sharing or otherwise providing electronic media or information via computer and communication networks; Downloadable software for creating, managing, and interacting with an online community; Downloadable software for generating images to be displayed in near-eye display system; Downloadable software for modifying and enabling transmission of images, audio, audio visual and video content and data; Downloadable software for facilitating online charitable fundraising services and financial donation services; Downloadable software for ordering and/or purchasing goods and services; Downloadable software for organizing, searching for and managing social events; Downloadable software for planning activities with other

users, and making recommendationsDownloadable software for smart phones and other computer systems to generate data, images, and audio for display in near-eye display systems and for transmitting such data, images, audio to near-eye display systems; Downloadable software for smart phones and other computer systems to receive data from near-eye display systems; Downloadable software for social and destination mapping; Downloadable software for providing social networking; Downloadable software for streaming multimedia entertainment content; Downloadable software for the collection, managing, editing, organizing, modifying, transmission, sharing, and storage of data and information; Downloadable software for tracking motion in, visualizing, manipulating, viewing, and displaying augmented, mixed and virtual reality experiences; Downloadable software for use in creating and designing virtual reality, augmented reality and mixed reality software; Downloadable software for wireless content, data and information delivery; Downloadable software that enables individuals, groups, companies, and brands to create and maintain an online presence for marketing purposes; Downloadable software, namely, an interpretive interface for facilitating interaction between humans and machines; Telecommunications apparatus and instruments, namely, speakers and microphones sold as component features of computers, mobile and wearable smartwatches, wearable personal fitness trackers, smart glasses and virtual reality headsets for the sending and receiving of telephone calls, text messages, electronic mail, and other digital data, and for use in providing access to the internet; Virtual reality glasses; Virtual reality headsets; Downloadable virtual reality software for displaying interactive entertainment content; Downloadable virtual reality software for navigating a virtual reality environment; Downloadable Virtual reality software for object tracking, motion control and content visualization; Downloadable Virtual reality software for operating virtual reality headsets; Downloadable virtual reality software for enabling users to experience virtual reality visualization, manipulation and immersion; Downloadable virtual, augmented, and mixed reality software for use in enabling computers, video game consoles, handheld video game consoles, tablet computers, mobile devices, and mobile telephones to provide virtual, augmented, and mixed reality experiences; Smartwatches and personal fitness trackers that communicate data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication network; Waterproof near eye display systems comprising computer hardware, electronic video display interfaces, and software for the generation and display of virtual reality and mixed reality content; Wearable activity trackers; Wearable computer peripherals, namely, wearable personal fitness trackers, smartwatches, smartglasses, and virtual reality headsets; Wearable computing devices in the nature of virtual reality headsets comprised primarily of software and display screens for connection to computers, tablet computers, mobile devices, and mobile phones in order to enable virtual reality, augmented reality and mixed reality world experiences; Wearable digital electronic devices in the nature of wearable personal fitness trackers and smart glasses comprised primarily of software for alerts, messages, emails, and reminders, and for recording, organizing, transmitting, manipulating, reviewing, and receiving text, data, audio, image and digital files and display screens; Wearable digital electronic devices, namely, smartglasses, virtual reality goggles, and headsets; Wearable electronic devices, namely, smartwatches that are comprised of software that communicates data to personal digital assistants, smart phones, and personal computers through Internet websites and other computer and electronic communication networks; Wearable peripherals for computers, tablet computers, mobile devices and mobile telephones, namely, configurable head-mounted displays; Wireless computer peripherals

Applicant may respond to this final Office action by providing one or both of the following:

- (1) A request for reconsideration that fully resolves all outstanding requirements and refusals; and/or

- (2) An appeal to the Trademark Trial and Appeal Board with the required filing fees.

TMEP §715.01; *see* 37 C.F.R. §2.63(b)(1)-(2).

How to respond. File a [request form for reconsideration of this final Office action](#) that fully resolves all outstanding requirements and/or refusals and/or file a timely [appeal form to the Trademark Trial and Appeal Board](#) with the required fee(s). Alternatively, applicant may file a [request form for an extension of time to file a response](#) for a fee.

/Jessica Gearhart/
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RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response, appeal, or extension request must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) and Electronic System for Trademark Trials and Appeals (ESTTA) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on July 20, 2023 for
U.S. Trademark Application Serial No. 97320136

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS) or the Electronic System for Trademark Trials and Appeals (ESTTA), as appropriate. Your response and/or appeal must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be **[abandoned](#)**. See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
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- **Hiring a U.S.-licensed attorney.** If you do not have an attorney and are not required to have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.